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7 Attorney for Luis Ortega

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 LUIS ORTEGA,  
15 Defendant.

Case No. 2:22-mj-00388-NJK

**STIPULATION TO CONTINUE  
PRELIMINARY HEARING**  
(Third Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
18 United States Attorney, and Kimberly Sokolich, Assistant United States Attorney, counsel for  
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and  
20 Aden Kebede, Assistant Federal Public Defender, counsel for Luis Ortega, that the Preliminary  
21 Hearing currently scheduled on September 27, 2022 at 4:00 p.m., be vacated and continued to  
22 a date and time convenient to the Court, but no sooner than twenty-one (21) days.

23 This Stipulation is entered into for the following reasons:

24 1. The parties are discussing a pre-indictment resolution that may resolve the  
25 matter without a preliminary hearing. Defense counsel and defendant need additional time to  
26 review the remaining discovery and discuss the proposed resolution.

1           2.       This continuance is not sought for purposes of delay, but to allow defense  
2 counsel an opportunity to review the discovery and proposed resolution with their client and  
3 prepare for the preliminary hearing.

4           3.       The defendant is detained and agrees to the continuance.

5           4.       Both counsel for the defendant and counsel for the government agree to the  
6 continuance.

7           5.       Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may  
8 extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing of good  
9 cause taking into account the public interest in the prompt disposition of criminal cases.  
10 Because the defendant requires time to review discovery with their client prior to the  
11 preliminary hearing, good cause exists to extend the time limits in Rule 5.1(c).

12           6.       The time from June 8, 2022, to the new preliminary hearing date will be  
13 excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A),  
14 which provides that the Court may exclude time arising from a continuance upon finding that  
15 the ends of justice served by granting the continuance outweigh the best interests of the  
16 defendant and the public in a speedy trial.

17           7.       Denial of this request could result in a miscarriage of justice, and the ends of  
18 justice served by granting this request outweigh the best interest of the public and the defendants  
19 in a speedy trial.

20           8.       The additional time requested by this stipulation is excludable in computing the  
21 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title  
22 18, United States Code, Section 3161(b), and considering the factors under Title 18, United  
23 States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

1 This is the third request for continuance filed herein.

2 DATED this 19th day of September, 2022.

3  
4 RENE L. VALLADARES  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

5  
6 */s/ Aden Kebede*  
7 By \_\_\_\_\_  
8 ADEN KEBEDE  
Assistant Federal Public Defender

*/s/ Kimberly A. Sokolich*  
By \_\_\_\_\_  
KIMBERLY A. SOKOLICH  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 LUIS ORTEGA,

7 Defendant.

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**ORDER**

9  
10 The time from June 8, 2022, to the new preliminary hearing date will be excludable  
11 under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), which  
12 provides that the Court may exclude time arising from a continuance upon finding that the ends  
13 of justice served by granting the continuance outweigh the best interests of the defendant and  
14 the public in a speedy trial.

15 Denial of this request could result in a miscarriage of justice, and the ends of justice  
16 served by granting this request outweigh the best interest of the public and the defendants in a  
17 speedy trial.

18 Based on the Stipulation of counsel and good cause appearing,

19 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on  
20 September 27, 2022 at the hour of 4:00 p.m., be vacated and continued to October 18, 2022,  
21 at 4:00 p.m.

22 DATED: September 19, 2022.

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24   
25 UNITED STATES MAGISTRATE JUDGE  
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